

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
)
) MDL No. 1456
)

) Civil Action No. 01-CV-12257-PBS
)

THIS DOCUMENT RELATES TO

) Judge Patti B. Saris
)

State of Montana v. Abbott Labs. Inc., et al.,
D. Mont. Cause No. CV-02-09-H-DWM

)
) **SUPPLEMENTAL DECLARATION**
) **OF SAMUEL N. LONERGAN**
)

) **FILED UNDER SEAL**
)

STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, SAMUEL N. LONERGAN, duly declare as follows:

1. I am an associate with the law firm of Kaye Scholer LLP, which represents Novartis Pharmaceuticals Corporation (“NPC”) in the above-captioned case. I submit this supplemental declaration in further support of NPC’s motion for summary judgment in *State of Montana v. Abbott Laboratories, Inc.* for the purposes of identifying the documents attached hereto and attesting that the State of Montana (“Plaintiff”) never moved to compel against NPC in this case.

A. Documents Cited in NPC’s Reply to Plaintiff’s Opposition to NPC’s Summary Judgment Motion

2. Attached hereto as Exhibit 1 is a true and correct copy of the declaration of Richard Knapp, Executive Director, State Government Affairs at NPC, dated May 10, 2007.

3. Attached hereto as Exhibit 2 is a true and correct copy of pages 1, 20, and 21 of the deposition transcript of Ramon Crusit, a former business analyst for the pharmaceutical wholesaler McKesson Corporation, taken on February 23, 2005, in connection with *In re Pharm. Indus. Average Wholesale Price Litig.*, MDL No. 1456, Civil Action No. 01-CV-12257-PBS (D. Mass.).

4. Attached hereto as Exhibit 3 is a true and correct copy of pages 1 and 76 of the deposition transcript of Robert James, Vice President of Brand Rx Pharmaceutical Product Management for the pharmaceutical wholesaler McKesson Corporation, taken on February 23, 2005, in connection with *In Re Pharm. Indus. Average Wholesale Price Litig.*, MDL No. 1456, Civil Action No. 01-CV-12257-PBS (D. Mass.).

5. Attached hereto as Exhibit 4 is a true and correct copy of the Complaint in *New England Carpenters Health Benefits Fund, et al v. First DataBank, Inc. and McKesson Corp.*, Civ. Action No. 1:05-CV-11148-PBS (D. Mass.).

B. Plaintiff Never Moved to Compel Against NPC

6. Plaintiff never filed a motion to compel against NPC in the above-captioned case. Fact discovery in this case is now closed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 10, 2007.

/s/ Samuel N. Lonergan
Samuel N. Lonergan

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2007, a true and accurate copy of Supplemental Declaration of Samuel N. Lonergan was served via the Lexis-Nexis Filing System:

Dated: Boston, Massachusetts
May 10, 2007

/s/ Brett Budzinski
Brett Budzinski